1	UNITED STATES DISTRICT COURT		
2	DISTRICT OF PUERTO RICO		
3	In Re: ) Docket No. 3:17-BK-3283(LTS)		
4	)		
5	) PROMESA Title III The Financial Oversight and )		
6	Management Board for ) Puerto Rico, ) (Jointly Administered)		
7	as representative of )		
8	The Commonwealth of ) Puerto Rico, et al. ) February 1, 2021		
9	)		
10	Debtors, )		
11			
12	HEARING ON ADJOURNED OMNIBUS OBJECTIONS TO CLAIMS		
13	BEFORE THE HONORABLE U.S. DISTRICT JUDGE LAURA TAYLOR SWAIN		
14	UNITED STATES DISTRICT COURT JUDGE		
15	AND THE HONORABLE U.S. MAGISTRATE JUDGE JUDITH GAIL DEIN		
16	UNITED STATES DISTRICT COURT JUDGE		
17			
18	APPEARANCES:		
19	ALL PARTIES APPEARING TELEPHONICALLY		
20	For The Commonwealth		
21	of Puerto Rico, <i>et al</i> .: Ms. Laura Stafford, PHV Mr. Brian Rosen, PHV		
22	For the Financial		
23	Oversight and Management Board: Mr. Daniel Perez Refojos, Esq. Appearing in court		
24			
25	For Consolidated Waste Ms. Lourdes Arroyo Portela, Esq. Services:		
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2	APPEARANCES, Continued:
3	Appearing Pro Se:  Ms. Yolanda Rosario Alvarez  Mr. Adonis Ruiz Nogueras
4	Mr. Nelson Sanabria Cruz Appearing in court
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25	Proceedings recorded by stenography. Transcript produced by CAT.

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2	WITNESSES:		PAGE	
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1	San Juan, Puerto Rico
2	February 1, 2021
3	At or about 10:15 AM
4	* * *
5	THE COURT: Buenos dias. This is Judge Swain
6	speaking.
7	MS. NG: Good morning, Judge. It's Lisa again.
8	Everybody is here.
9	THE COURT: Good morning.
10	Ms. Tacoronte?
11	COURTROOM DEPUTY: Good morning, Your Honor.
12	THE COURT: Good morning. Would you kindly call the
13	case?
14	COURTROOM DEPUTY: The United States District Court
15	for the District of Puerto Rico is now in session. The
16	Honorable Laura Taylor Swain presiding. Also present, the
17	Honorable Magistrate Judge Judith Dein.
18	Bankruptcy Case No. 2017-3283, In re: The Financial
19	Oversight and Management Board for Puerto Rico, as
20	representative of the Commonwealth of Puerto Rico, et al., for
21	Hearing on Adjourned Omnibus Objections.
22	THE COURT: Thank you.
23	Is a certified interpreter present?
24	THE INTERPRETER: Yes, Your Honor.
25	THE COURT: Good morning. Would you please state

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your name? THE INTERPRETER: Juan Segarra. THE COURT: Good morning, Mr. Segarra. And you are interpreting from English to Spanish and vice versa? THE INTERPRETER: Yes, I am, Your Honor. THE COURT: Thank you. Again, welcome, counsel, parties in interest, and members of the public and press. Today's telephonic hearing is for the purpose of addressing several pending Omnibus Claim Objections. To ensure the orderly operation of today's telephonic hearing, all parties on the line must mute their phones when they are not speaking. If you are accessing these proceedings on a computer, please be sure to select "mute" on both the Court Solutions dashboard and your phone. When you need to speak, you must unmute on both the dashboard and the phone. I remind everyone that consistent with court and

I remind everyone that consistent with court and judicial conference policies and the orders that have been issued, no recording or retransmission of the hearing is permitted by any person, including but not limited to the parties, members of the public, or the press. Violations of this rule may be punished with sanctions.

The Agenda for today's hearing was filed by the Oversight Board on January 28th, 2021. The Agenda, which was filed at Docket Entry No. 15774 in Case No. 17-3283, is

available to the public at no cost on Prime Clerk for those interested. Each portion of today's hearing will begin at or about the time indicated on the Agenda. If we need to take a break, I will direct everyone to disconnect and dial back in at a specified time.

Our first Agenda Item, which is starting late, because it was scheduled for 9:30, is the 176th Omnibus Objection and the Response of Consolidated Waste Services and Landfill Technologies of Fajardo. Eighteen minutes of argument time has been allocated for this matter.

We will first hear from counsel for the Oversight
Board for up to eight minutes, followed by counsel for the
respondents for up to eight minutes. Counsel for the
Oversight Board will then have an additional two minutes for
rebuttal argument.

If I speak, please stop speaking and listen to my question or comment so that I can get the information that I need. The Court will keep track of each speaker's time. We will alert you when you have two minutes left with one buzz, and when your time is up, with two buzzes.

Would you please, Mr. Foster, make an example of the buzzes people will hear?

(Sound played.)

THE COURT: Thank you.

That is the buzz sound. You are also encouraged to

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be mindful of your own time as it expires. I will listen to the arguments, and then make the ruling.

So, first, I would invite counsel for the Oversight Board to speak to the 176th Omnibus Claim Objection, insofar as it relates to these claimants.

Ms. Stafford.

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MS. STAFFORD: Thank you, Your Honor. Thank you, Your Honor. This is Laura Stafford.

THE COURT: Good morning.

MS. STAFFORD: Good morning. Laura Stafford of Proskauer Rose, on behalf of the Financial Oversight and Management Board.

The 176th Omnibus Objection seeks to disallow in their entirety proofs of claim asserting liabilities associated with entities that are not Title III debtors. And one response to this Omnibus Objection was filed by Consolidated Waste Services and Landfill Technologies of Fajardo in relation to a number of proofs of claim, which I'll just quickly read into the record for clarity. Those are Proofs of Claim Nos. 21133, 22881, 23130, 23654, 23662, 23665, 23667, 23671, 24263, 24326, 24334, 24348, 26646, 27826, 28040, 28056, 28082, 28110, 28112, 28131, 28135, 28141, 28145, 28156, 28174, 28182, 35800, 35855, 35996, and 27063.

This response was mailed to the debtors, and we have filed it on the docket at ECF No. 15709-1. Each of the proofs

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of claim I just identified are subject -- which are the subject of this response assert liabilities purportedly owed by one of the following entities: The University of Puerto Rico, the Puerto Rico Aqueduct and Sewer Authority, the Puerto Rico Ports Authority, the Puerto Rico Trade and Export Company, the -- excuse me, the Puerto Rico Industrial Development Company, the Puerto Rico Tourism Company, the Institute for Puerto Rican Culture, and the Puerto Rico Infrastructure Financing Authority.

In its response, ConWaste insists that each of these entities are a part of the Commonwealth, because they receive legislative appropriations, financing, or other forms of financial support from the Commonwealth. That fact, however, does not establish that the entities are a part of the Commonwealth. That they're receiving financial support is not sufficient to make an entity a part of the Commonwealth or -- within these Title III proceedings.

As set forth in the debtors' Reply, each of the entities as identified exist as separate entities, with a corporate personhood separate and apart from that of the Commonwealth. Each have the capacity to sue and be sued in their own right, and in several instances, the entity's enabling statute expressly states that its debts are not the debts of the Commonwealth.

Further, ConWaste has not articulated any basis on

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which the Commonwealth should be held liable for these entities' debts, such as an assertion that the Commonwealth has guaranteed the debt that ConWaste seeks to assert. Excuse me.

ConWaste also expresses a concern that, as a practical matter, disallowance of its claims will leave it with no recourse, because if it seeks redress in the Commonwealth courts, any lawsuit it files will be subject to the automatic stay. That does not justify, however, attempting to hold the Commonwealth liable in its Title III proceedings for liabilities incurred by other separate, independent public corporations and institutions.

The proper recourse for ConWaste, if it determines that -- if it is determined that any lawsuit it files becomes subject to the automatic stay, is for ConWaste to seek relief from the automatic stay in this Court, not to seek payment from the Commonwealth on liabilities incurred by other entities.

And with that, Your Honor, I would reserve the remainder of my time for any further rebuttal.

THE COURT: Thank you very much.

I will now turn to counsel for Consolidated Waste Services and Landfill Technologies.

Ms. Arroyo, are you on the line?

MS. ARROYO PORTELA: Yes, we are, Your Honor. Good

morning, Your Honor, and all parties present. Lourdes Arroyo on behalf of Consolidated Waste Services and Landfill.

THE COURT: Good morning.

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MS. ARROYO PORTELA: Consolidated Waste filed these claims, and some of them were pending before the local court. However -- and the proceedings were stayed as a result of the filing of the Title III case by the debtor. However, after reviewing the objections filed by the debtor, and the claims filed by Consolidated Waste, we do agree with the Commonwealth's position that these objected claims, also, liabilities that are associated with other entities, and or agencies that are -- that are not the debtor in -- in any of the Title III debtors, so we do agree with the Commonwealth's position and objection.

THE COURT: Very well then. Will you withdraw your claim? Or I can make a ruling to that effect, because that, after reading the submissions, is my conclusion as well, that the Commonwealth is not liable for these claims.

MS. ARROYO PORTELA: I think that it would be better for you to enter a decision, issue a decision, in order for them to be -- to file or attach that document to any filing that they made in the Commonwealth Court.

THE COURT: Very well then. I will make an oral decision now, which will be reflected in the transcript, and then there will be an order reflecting that these claims have

been disallowed. So I will now rule.

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Having read all of the papers and listened to the remarks here in court, the 176th Omnibus Objection is sustained as to Claim Nos. 21133, 22881, 23130, 23654, 23662, 23665, 23667, 23671, 24263, 24326, 24334, 24348, 26646, 27063, 27826, 28040, 28056, 28082, 28110, 28112, 28131, 28135, 28141, 28145, 28156, 28174, 28182, 35800, 35855, and 35996, filed by Consolidated Waste Services, LLC, and Landfill Technologies of Fajardo, LLC; and those claims are disallowed in their entirety, because each purports to assert a claim against an entity that is not a debtor in these Title III cases. And I will refer to the entities against which the claims are asserted collectively as the non-debtor entities.

Each of the eight non-debtor entities was established as an entity separate from the Commonwealth under Commonwealth law. Although these entities may receive funds from the Commonwealth, each has been established by statute as legally separate from the Commonwealth and the other Title III debtors, and the claimants have not demonstrated any legal or factual basis for imputing the non-debtor entities' debts to the Title III debtors.

If there is a basis for an application of the automatic stay to such claims, then the claimants may seek relief from the automatic stay as contemplated by Section 362(d) of the Bankruptcy Code, but the potential applicability

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of the stay does not provide a basis to ignore the legal separation of the non-debtor entities. So, the objection is sustained as to these claims. Ms. Stafford, will the debtor submit a comprehensive proposed order disallowing the claims resolved by the Omnibus Objection? MS. STAFFORD: We would be glad to do so, Your Honor. THE COURT: Thank you very much. Thank you, Ms. Arroyo. MS. ARROYO PORTELA: Thank you. THE COURT: The next Agenda Item is the 193rd Omnibus Objection to Claims, which is Docket Entry No. 12865 in Case No. 17-3283. Ms. Tacoronte, is anyone there to speak in response to this claim, which was filed by Poullette Bouret Echevarria? COURTROOM DEPUTY: Your Honor, we have two speakers present in court as to this objection. THE COURT: As to this specific objection? COURTROOM DEPUTY: Yes, Your Honor. That would be No. 193, correct? THE COURT: Yes. But there are several speakers -there are several responses for the 193rd. So, I will tell you the order in which I am going to hear them. The first is by an individual named Poullette Bouret Echevarria. The second is Ismael Colon Andujar. The third is

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Joel Martinez Santiago. Next will be Yolanda Rosario Alvarez. I understand that she is present; is that correct? COURTROOM DEPUTY: That's correct, Your Honor. THE COURT: Then after Ms. Rosario Alvarez is Adonis Ruiz Noqueras. He is present as well? COURTROOM DEPUTY: Yes. That's correct. After Mr. Ruiz is Nelson Sanabria THE COURT: Okay. Cruz. He is present as well? COURTROOM DEPUTY: Yes. THE COURT: All right. So, I will be calling the matters in that order. First, I will ask Ms. Stafford to speak to the response of Poullette Bouret Echevarria. MS. STAFFORD: Thank you, Your Honor. The 193rd Omnibus Objection seeks to disallow in their entirety proofs of claim that asserted liabilities against the Commonwealth, HTA or ERS, but which the debtors' records reflect have already been satisfied. As Your Honor has noted, there are five responses that are outstanding. The first of those was filed by Poullette Bouret Echevarria with respect to Proof of Claim No. 5158. This response was mailed to the debtors, and we have filed it on the docket at 15710-1. The response does not dispute that the liabilities asserted in Proof of Claim No. 5158 were fully satisfied by the Commonwealth. Instead, the response consists of a copy of

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the proof of claim form, which asserts -- of a proof of claim form, excuse me, which asserts liabilities purportedly arising from Title III proceedings under PROMESA. The response does not provide any further information regarding the liabilities purportedly asserted, and it does not refute the debtors' showing that the allegedly unpaid tax refund was, in fact, paid.

Accordingly, we would request the Court grant the objection and disallow the claim, notwithstanding Ms. Bouret Echevarria's response.

THE COURT: Thank you.

I have reviewed the Objection and the Response. The 193rd Omnibus Objection is sustained as to Claim No. 5158 of Poullette Bouret Echevarria; and that claim is disallowed in its entirety, because the debtor has shown that there was a direct deposit paying the claim, and claimant's response does not dispute that the claim was fully satisfied. The claimant provides no additional basis for asserting liabilities against any Title III debtor. Therefore, Claim No. 5158 is disallowed in its entirety.

MS. STAFFORD: Thank you, Your Honor.

THE COURT: We then move to the response of Ismael Colon Andujar to the 193rd Omnibus Objection.

MS. STAFFORD: Thank you, Your Honor.

The response filed by Ismael Colon Andujar is with

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respect to Proof of Claim No. 20695, and it was filed on the docket at ECF No. 13455. The Colon Andujar Response does not dispute the Commonwealth's showing, but its records reflect the payment of a tax refund to Mr. Colon Andujar via a check issued in 2017. Instead, Mr. Colon Andujar provides supporting documentation regarding liabilities allegedly owed to Mr. Colon Andujar arising out of his prior employment with the Corporacion Azucarera and the Department of Transportation and Public Works.

Mr. Colon Andujar has filed an additional claim,
Claim No. 170684, which remains pending, and is not subject to
objection, and which asserts liabilities arising out of his
prior employment. The Commonwealth will consider the
documentation submitted by Mr. Colon Andujar when reconciling
Claim No. 170684. However, because the Colon Andujar Response
does not dispute that the liabilities asserted by Proof of
Claim No. 20695 have been satisfied, we would request the
Court grant the objection and disallow the claim,
notwithstanding Mr. Colon Andujar's response.

THE COURT: Thank you.

I have reviewed carefully the Objection and the Response of Mr. Colon Andujar to the Objection. The 193rd Omnibus Objection is sustained as to Claim No. 20695 of Ismael Colon Andujar; and that claim is disallowed in its entirety, because the debtor has shown that that claim for a tax refund

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was fully satisfied, and the claimant's response does not dispute that the claim was fully satisfied.

Furthermore, Mr. Colon Andujar has a separate proof of claim, No. 170684. The debtor has not at this point objected to that proof of claim, and the debtors have agreed to review the information provided in the claimant's response in connection with their consideration of the other proof of claim, 170684, which remains pending. Therefore, Claim No. 20695 is disallowed.

MS. STAFFORD: Thank you, Your Honor.

THE COURT: The next response to the 193rd Omnibus Objection that we will take up is the response of Joel Martinez Santiago.

MS. STAFFORD: Thank you, Your Honor.

The response filed by Joel Martinez Santiago relates to Proof of Claim No. 37093, and it was filed on the docket at ECF No. 13484. The Martinez Santiago Response does not dispute the Commonwealth showing that its records reflect a payment of a tax refund to Mr. Martinez Santiago via a direct deposit issued in 2017. Instead, Mr. Martinez Santiago provides supporting documentation regarding liabilities allegedly owed to Mr. Martinez Santiago arising out of his prior employment with a regional automotive office in Ponce and with the Department of Transportation and Public Works.

Mr. Martinez Santiago has filed an additional claim,

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Claim No. 178470, which remains pending, and is not subject to objection, and which asserts liabilities arising out of his prior employment. The Commonwealth will consider the documentation submitted by Mr. Martinez Santiago in reconciling that claim. However, because the Martinez Santiago Response does not dispute that the liabilities asserted by Proof of Claim No. 37093 have been satisfied, we would request the Court grant the objection and disallow the claim, notwithstanding Mr. Martinez Santiago's response.

THE COURT: Thank you.

The Court has reviewed the 193rd Omnibus Objection and Mr. Martinez Santiago's Response. The 193rd Omnibus Objection is sustained as to Claim No. 37093 filed by Joel Martinez Santiago; and that claim is disallowed in its entirety, because the Oversight Board has demonstrated that that claim has been satisfied, and the claimant's response does not dispute that the claim was fully satisfied.

Mr. Martinez Santiago has a separate claim, No. 178470. The debtors have agreed to review the information provided in the claimant's response to the 193rd Objection in connection with their consideration of his other claim, 178470, which remains pending and is not affected by today's ruling disallowing Claim No. 37093.

We will now take up the response of Yolanda Rosario Alvarez to the 193rd Omnibus Objection.

Ms. Tacoronte, is Ms. Rosario Alvarez at the 1 2 speaker's podium now? COURTROOM DEPUTY: In a second, Your Honor. 3 MS. ROSARIO ALVAREZ: Good morning. 4 THE COURT: Good morning. 5 MS. ROSARIO ALVAREZ: Good morning, Your Honor. 6 7 name is Yolanda Rosario Alvarez. I am an employee of the Government of Puerto Rico, Commonwealth of Puerto Rico, and I 8 work for the Department -- I work for the Department of the 9 Family. 10 THE COURT: Ms. Rosario Alvarez, please stop for one 11 I'm going to explain to you the order in which I will 12 do this. We will first hear from the Oversight Board's 13 attorney for up to two minutes about the reason that they are 14 objecting to your claim, so that you will hear precisely what 15 they are saying they believe is insufficient about your claim. 16 Then you will have up to six minutes to address me, the Court, 17 about your claim and about the Oversight Board's argument. 18 Then the Oversight Board's attorney will have up to two 19 minutes to respond to what you have said. These time limits 20 include time required for interpretation into Spanish or 21 22 English. I will ask that both you and the lawyer for the 2.3 Oversight Board speak slowly and clearly so that the 2.4 25 interpreter can translate. If I speak, please stop speaking,

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and listen to my question or comment, so that I can get the information that I need. The Court will be keeping track of each speaker's time, and we will use the system of buzzes. So when you have two minutes left, there will be one buzz, and when time is up, there will be two buzzes. Mr. Foster, will you please demonstrate the buzz sound again? (Sound played.) THE COURT: Thank you. That is the buzz sound. If you only have two minutes, the buzz will just sound two buzzes at the end of the allocated speaking time. Do you understand that, Ms. Rosario Alvarez? MS. ROSARIO ALVAREZ: Yes. THE COURT: Thank you. And so I will now turn to Ms. Stafford to speak for the Oversight Board for two minutes. Thank you, Your Honor. MS. STAFFORD: The pending response was filed by Yolanda Rosario Alvarez with respect to Proof of Claim No. 23069, and it was filed on the docket at ECF No. 13081. The Rosario Alvarez Response does not dispute that the Commonwealth has already satisfied any outstanding income tax refunds owed to Ms. Rosario Alvarez. In fact, the response states that the

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Commonwealth does not owe any money to Ms. Rosario Alvarez on income tax returns for the years 2015, 2016, 2017, 2018, and 2019.

I have been in communication with my colleague at the -- in the hearing room, and I understand that Ms. Rosario Alvarez is here today to address her claim for wages and benefits. That claim -- Ms. Rosario Alvarez has filed a separate claim, 22480, with respect to her claim for wages and benefits. That claim remains pending, is not subject to any objection, and will not be affected by the Court's resolution of Proof of Claim No. 23069.

Accordingly, the Commonwealth would request the Court grant the objection and disallow Proof of Claim No. 23069, not withstanding Ms. Rosario Alvarez' response.

THE COURT: Thank you, Ms. Stafford.

Ms. Rosario Alvarez, would you like to speak now?

MS. ROSARIO ALVAREZ: Yes.

THE COURT: Please let the interpreter translate for me now.

Mr. Segarra, I can't hear you.

MS. ROSARIO ALVAREZ: I submitted the request, and I have received the tax return forms, as has been stated by the Commonwealth. I've received it every year, and I've requested that -- I received, also, from them, as requested and submitted to the Court, the certifications from the Puerto

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Rico Treasury Department indicating that they have no debt with me with regard to tax returns.

THE COURT: So you agree that you are not owed any further money for tax refunds, Ms. Rosario Alvarez?

MS. ROSARIO ALVAREZ: Yes, Your Honor.

that you have already received that the Oversight Board is seeking to have closed out today. The Oversight Board's lawyer also said that they recognize that you still have a claim for compensation from your job for wages and benefits. They are not objecting to that claim. They are not trying to have that claim closed out today. Do you understand that?

MS. ROSARIO ALVAREZ: Yes. That's correct.

THE COURT: So, is there anything further that you would like me to hear today regarding the tax refund claim?

MS. ROSARIO ALVAREZ: No.

THE COURT: All right. Then I am going to make my ruling on the tax refund claim now.

Having heard the remarks in court, and having read the Objection and the Response, the Court rules that the 193rd Omnibus Objection is sustained as to Claim No. 23069 of Yolanda Rosario Alvarez regarding tax refunds, and that claim is disallowed in its entirety, because the Oversight Board has demonstrated and Ms. Rosario Alvarez agrees that the tax refund claim has already been fully satisfied. This ruling

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does not affect Ms. Rosario Alvarez' separate claim, which is No. 22480. That separate claim remains pending. Ms. Rosario Alvarez, thank you very much for coming to court today. MS. ROSARIO ALVAREZ: Thank you. Have a good day. THE COURT: Thank you. You, too. Keep safe. The next response that we will take up to the 193rd Omnibus Objection is the Response of Adonis Ruiz Nogueras. Ms. Tacoronte, will you please let me know when Mr. Ruiz Nogueras is at the podium? COURTROOM DEPUTY: He's at the podium, Your Honor. THE COURT: Thank you. Good morning, Mr. Ruiz Noqueras. MR. RUIZ NOGUERAS: Good morning, Your Honor. THE COURT: Did you hear the instructions that I gave to Ms. Rosario Alvarez about the procedure that we will follow on speaking to the objections? MR. RUIZ NOGUERAS: Yes, I did. THE COURT: Then I will first ask Ms. Stafford for the Oversight Board to explain the objection. She has two minutes. MS. STAFFORD: Thank you, Your Honor. The response in question was filed by Adonis Ruiz Noqueras with respect to Proof of Claim No. 2406, which was filed on the docket at ECF No. 13152. The Ruiz -- the

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response filed by Mr. Ruiz Nogueras does not dispute that Mr. Ruiz Nogueras' 2016 tax refund was paid. Indeed, the response acknowledges payment of the 2016 tax refund was made into his account from the Commonwealth Treasury Department. The response also attaches a bank statement further reflecting payment of Mr. Ruiz Nogueras' 2016 tax refund.

Nevertheless, Mr. Ruiz Nogueras contends that he did not receive money from a lawsuit. However, the only lawsuit identified in either the claim or the response is the case number for the Commonwealth Title III case.

To the extent Mr. Ruiz Nogueras seeks to assert liabilities arising from a tax refund, the Proof of Claim No. 2406 has been satisfied, because, as demonstrated, the 2016 tax refund has been paid. To the extent Mr. Ruiz Nogueras seeks to assert liabilities arising from a lawsuit, Claim No. 2406 is deficient, because it does not provide information necessary to reconcile the claim, such as information identifying the lawsuit in question.

Thank you, Your Honor.

THE COURT: Thank you, Ms. Stafford.

Mr. Ruiz Nogueras, you now have six minutes to speak.

MR. RUIZ NOGUERAS: Good morning, Your Honor.

THE COURT: Mr. Segarra, can you interpret that now?

MR. RUIZ NOGUERAS: First of all, greetings to Your

25 | Honor and to all court personnel here present.

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The request regarding the debt is because I understood that the documentation and everything that I had filled out, that there was not going to be a problem. perceived that there was no problem, because I had received the tax returns that I always receive. Now, I was sent a document that said, if I was going to make a request, they said --THE COURT: I'm sorry. Mr. Segarra, would you stop for one moment? Can you come closer to a microphone? difficult for me to hear you. THE INTERPRETER: Can you hear me now? THE COURT: It's a little better. Thank you. THE INTERPRETER: Okay. MR. RUIZ NOGUERAS: They had sent the documents saying that if I was going to make a request, I needed to send the documentation, and that I was going to receive a certain amount. But the amount that I received did not match the amount on my tax return in this case, and that is why I made the request. And because that amount --THE COURT: I can't hear you, Mr. Segarra. MR. RUIZ NOGUERAS: And because that amount did not match, I thought that they were different claims. I had no idea -- I had no idea that the claim I was making was for the IRS, because I receive that every year with no problem.

So what is put forth here is that the claim was

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Then the fact is I had no reason to involving my tax return. present such a claim here before the Court. And that would be all, Your Honor. THE COURT: Thank you. So, Mr. Ruiz Nogueras, you agree that you are not owed any money for tax refunds; is that correct? MR. RUIZ NOGUERAS: No. For the tax return, they don't owe me anything. THE COURT: And so what is it that you believe they owe you? MR. RUIZ NOGUERAS: What I mentioned at the beginning. I received some documentation saying that I should claim a certain amount of money, so I filled out the form claiming that money --(Sound played.) MR. RUIZ NOGUERAS: -- but I had no idea that that was money from the tax return. So if what I'm supposed to be getting back is the money from the tax return, I wouldn't have

had any problem with that, because I have received it every year. And that's all.

THE COURT: All right then. The objection that has been made to the claim for the tax return is for money that Mr. Ruiz Noqueras has already received, and so I will sustain this objection, which is the 193rd Omnibus Objection as to Claim No. 2406 of Mr. Adonis Ruiz Noqueras, and that claim is

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disallowed in its entirety, because Mr. Ruiz Nogueras agrees
that he has received the money and does not dispute that the
tax refund claim was fully satisfied. Therefore, the
objection is sustained, and Claim No. 2406 is disallowed.
         Mr. Ruiz Nogueras, thank you for coming to court
today, and keep well.
         MR. RUIZ NOGUERAS: Thank you.
         THE COURT: The next Agenda Item is -- actually, we
have finished the 193rd Omnibus Objection responses.
Ms. Stafford, will the debtor provide a comprehensive proposed
order disallowing the claims resolved by this Omnibus
Objection?
         MS. STAFFORD: We would be glad to do so, Your
Honor.
         THE COURT:
                     Thank you.
         I will now turn to the 194th Omnibus Objection, and I
understand that Mr. Nelson Sanabria Cruz has come to speak
about his response to that objection.
         Ms. Tacoronte, would you tell me when he is at the
podium?
         COURTROOM DEPUTY: He is here, Your Honor, at the
podium.
         THE COURT:
                     Thank you.
         Good morning, Mr. Sanabria Cruz.
         MR. SANABRIA CRUZ: Good morning, Your Honor.
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Did you hear the instructions that I have
         THE COURT:
given to the other speakers about the procedure and the time
allocation?
         MR. SANABRIA CRUZ: Yes. That is correct.
         THE COURT: Thank you. And so I will first invite
Ms. Stafford to speak about the objection to your claim.
         Ms. Stafford?
         MS. STAFFORD: Thank you, Your Honor.
         The 194th Omnibus Objection seeks to disallow in
their entirety proofs of claim that asserted liabilities
against the Commonwealth, HTA, or ERS that -- with respect to
which the debtor's records reflect those liabilities have
already been satisfied. The first response for -- as
scheduled for hearing today --
         THE COURT: Ms. Stafford, would you hold on for a
moment?
         MS. STAFFORD: Yes.
         THE COURT: We are hearing a speaker that is
repeating what's being said in English and some beeping from
San Juan. Is there something that should be muted there?
        All right.
         MR. SEGUI: Try it again.
         COURTROOM DEPUTY: Let's try again, Your Honor.
apologies.
         THE COURT: Thank you.
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Would you start again, Ms. Stafford?

MS. STAFFORD: Certainly, Your Honor. Would you like me to start at the beginning?

THE COURT: Yes. Please start at the beginning.

MS. STAFFORD: Certainly.

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The 194th Omnibus Objection seeks to disallow in their entirety proofs of claim that asserted liabilities against the Commonwealth, HTA or ERS, but with respect to which the debtors' records reflect liabilities have already been satisfied.

There are two responses for hearings today. The first of those was filed by Nelson Sanabria Cruz with respect to Proof of Claim No. 21119, and this response was filed on the docket at ECF No. 13139. The Sanabria Cruz claim purported to assert \$1,222 in liabilities arising from goods or services provided to the government, as well as \$1,200 in secured liabilities, and \$1,222 in liabilities entitled to administrative priorities pursuant to 11 U.S.C. Section 503(b)(9).

As a result, Prime Clerk, LLC, docketed the claim as asserting a total of \$3,644 in total liabilities. However, this Proof of Claim No. 21119 also purported to assert total liabilities in the amount of \$1,222, and the only basis stated for the claim was reembolso de impuestos, or tax refund.

The Commonwealth records indicate that payment of

Mr. Sanabria Cruz' 2017 tax refund in the amount of \$1,222 was already paid. The response acknowledges that this payment was made and attaches a portion of Mr. Sanabria Cruz' bank account statement, reflecting payment of the \$1,222 tax refund. The response, nevertheless, asserts the total claim amount of \$3,644 has not been satisfied. Neither the claim, nor the response, however, provides any basis for an assertion of liabilities in the amount of \$3,644.

(Sound played.)

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MS. STAFFORD: As of -- Your Honor, may I proceed for one brief moment?

THE COURT: Yes.

MS. STAFFORD: Thank you, Your Honor.

As with Ms. Rosario Alvarez, I have been in communication with my colleague in the courthouse, and I understand that Mr. Sanabria Cruz is here today to address claims for wages and benefits, which he has filed as Proof of Claim Nos. 7722 and 7726. Claim No. 7722 remains pending, is not subject to an objection, and will not be affected by the Court's resolution of this claim. I understand that Claim No. 7722 is pending on a deficient objection, but that if we are able to obtain certain information from Mr. Sanabria Cruz, including his -- the last four digits of his Employee ID number or Social Security number, we will be able to process his claim.

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In any event, however, neither Claim No. 7722, nor 7726 are set for hearing today, and although we reserve all our rights with respect to those claims, the Court's ruling with respect to Proof of Claim No. 2119 would not affect either of those claims.

Accordingly, to the extent the claim seeks to assert liabilities arising from the \$1,222 tax refund, the Proof of Claim No. 21119 has already been satisfied. And to the extent Mr. Sanabria Cruz seeks to assert an additional \$2,422 in liabilities, it is deficient, because it fails to provide information necessary for the debtors to reconcile the claim because there is no basis for the additional \$2,422 in liabilities.

Thank you, Your Honor.

THE COURT: Thank you.

Mr. Sanabria Cruz, would you like to speak now?

MR. SANABRIA CRUZ: I have no doubt that I received the \$1,222. That is correct, I did receive it. The thing is that that amount was added three times in the correspondence, or the documentation was sent to me, and that came out to the \$3,644.

That was an error on their part, and I didn't know it was an error and understood that they owed me that amount.

That's why I made the claims. But I understand -- but I understand that it was an error.

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THE COURT: So you understand that it was an error, and you agree that you were only owed the \$1,222 for the tax refund? MR. SANABRIA CRUZ: Yes. That is correct, Your Honor. THE COURT: Thank you. Do you understand that your separate claims are pending and are being dealt with separately? MR. SANABRIA CRUZ: Yes. Yes. I have a concern regarding the other claim that we had as public employees of the Government of Puerto Rico. Our claims are involving the federal minimum wage and retirement, which in this case is not going to be heard, right? concern is that we've been waiting on this claim for 14 years, and in the process, many of our co-workers have either died or resigned or retired early. That is my concern, Your Honor. I thank you for your time. Thank you. Thank you, Mr. Sanabria Cruz. THE COURT: I will now rule on the tax refund claim. I have read the Objection and the Response and listened carefully today. The 194th Omnibus Objection is sustained as to Claim No. 21119 filed by Nelson Sanabria Cruz; and that claim is disallowed in its entirety, because Mr. Sanabria Cruz agrees that he was paid the \$1,222 tax

refund, and the Oversight Board has demonstrated that that has

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been paid, and the additional amount appears to have been a clerical error. So, the 194th Omnibus Objection is sustained, and Claim No. 21119 is disallowed. The Oversight Board has confirmed that it is in receipt of and aware of wage and benefit claims by Mr. Sanabria Cruz, and those are not affected by today's ruling. Mr. Sanabria Cruz, I thank you for coming to court I understand that the length of time is frustrating today. for the resolution of all of these claims, but we are working diligently to take them up as and when they are ready. there is an objection, then I hear those in court, and the claims are being processed. So, again, thank you and keep well. MR. SANABRIA CRUZ: Thank you, Your Honor. good day. THE COURT: You, too. MR. SANABRIA CRUZ: Gracias. THE COURT: We now turn to the 194th Omnibus Objection and the Response of Yessenia Velazquez Perez. Is Ms. Velazquez Perez there present in court, Ms. Tacoronte? COURTROOM DEPUTY: No, Your Honor. THE COURT: All right. And so I will turn then to counsel for the Oversight Board to speak regarding this

response to the Objection.

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MS. STAFFORD: Thank you, Your Honor.

This response, as noted, was filed by Yessenia Velazquez Perez with respect to Proof of Claim No. 2838, and it was filed on the docket at ECF No. 12867. Ms. Velazquez Perez had filed her claim against HTA, and sought liabilities in the amount of \$1,708. The Commonwealth records reflect payment of a tax refund in that precise amount to Ms. Velazquez Perez.

Ms. Velazquez Perez' response does not dispute that a direct deposit of Ms. Velazquez Perez' tax refund payment was made on June 27th, 2017. In fact, the response attaches a copy of a portion of Ms. Velazquez Perez' bank statement demonstrating that this payment was made. Nevertheless, Ms. Velazquez Perez contests the objection, because, according to the response, the deposit amount, dates and names of the debtor do not match the account statements.

As explained in the debtors' reply, however, the Commonwealth records reflect a payment in the exact amount set forth in Mr. Velazquez Perez' account statement, with a transfer initiated on the day immediately preceding the date the transfer was reflected in Ms. Velazquez Perez' account.

To the extent the claim seeks to assert liabilities arising from a tax refund owed by the Commonwealth, it has, therefore, been satisfied. And to the extent Ms. Velazquez

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Perez seeks to assert liabilities purportedly owed by HTA, it is deficient, because it fails to provide information necessary for the debtors to understand what liabilities HTA, as opposed to the Commonwealth, might owe. Thank you, Your Honor. THE COURT: Thank you, Ms. Stafford. I have reviewed carefully the 194th Omnibus Objection and the Response of Ms. Velazquez Perez. The 194th Objection is sustained as to Claim No. 2838 of Yessenia Velazquez Perez; and that claim is disallowed in its entirety, because the record demonstrates that the tax refund in question has been paid in full, and the claimant's response does not dispute that the claim has been satisfied. Accordingly, Claim No. 2838 is disallowed. Ms. Stafford, will the debtor provide a comprehensive proposed order disallowing the claims resolved by the 194th Omnibus Objection? MS. STAFFORD: We would be glad to do so, Your Honor. Thank you. THE COURT: Thank you. Is there anything further that we need to take up together today? MS. STAFFORD: Not that I am aware of, Your Honor. Thank you. THE COURT: Thank you.

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This concludes our hearing Agenda for today. next scheduled hearing date is the March Omnibus Hearing, which is scheduled for March 10th, 2021. That hearing will begin at 9:30 AM Atlantic Standard Time, and will be conducted telephonically. I thank all of the court staff, and Mr. Segarra, and all of those in Puerto Rico, Boston, and New York for their work in preparing for and conducting today's hearing, and their outstanding, ongoing support of the administration of these cases. Stay safe and keep well, everyone. We are adjourned. (At 11:20 AM, proceedings concluded.)

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U.S. DISTRICT COURT
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     DISTRICT OF PUERTO RICO)
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          I certify that this transcript consisting of 36 pages is
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 5
     a true and accurate transcription to the best of my ability of
 6
     the proceedings in this case before the Honorable United
 7
     States District Court Judge Laura Taylor Swain, and the
     Honorable United States Magistrate Judge Judith Gail Dein on
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     February 1, 2021.
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     S/ Amy Walker
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     Amy Walker, CSR 3799
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